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BEFORE THE ARIZONA CORPORATION COMMISSION  
Arizona Corporation Commission

DOCKETED

JUN 3 0 2000

CARL J. KUNASEK  
CHAIRMAN  
JIM IRVIN  
COMMISSIONER  
WILLIAM A. MUNDELL  
COMMISSIONER

DOCKETED BY

RT

IN THE MATTER OF THE APPLICATION OF  
THE ARIZONA DEPARTMENT OF  
TRANSPORTATION TO INSTALL CROSSING  
SIGNALS AT A CROSSING OF THE COPPER  
BASIN RAILWAY AT ARIZONA FARMS ROAD,  
PINAL COUNTY, ARIZONA, M.P. RE-951.05.

DOCKET NO. RR-02636A-00-0278

DECISION NO. 62700OPINION AND ORDER

DATE OF HEARING: May 25, 2000

PLACE OF HEARING: Phoenix, Arizona

PRESIDING OFFICER: Marc E. Stern

APPEARANCES: Mr. Robert Metli, Staff Attorney, Legal Division, on  
behalf of the Utilities Division of the Arizona  
Corporation Commission.

## BY THE COMMISSION:

On April 19, 2000, the Arizona Department of Transportation ("ADOT") submitted to the Arizona Corporation Commission ("Commission") a request for an Opinion and Order for the approval of an agreement between ADOT and the Copper Basin Railway, Inc. ("Railroad") to upgrade the Railroad's crossing at Arizona Farms Road, Pinal County, Arizona, at milepost Re-951.05 ("Application"). The Application was docketed on April 27, 2000.

On May 4, 2000, by Procedural Order, the Application was set for a hearing and ADOT was ordered to notify any interested party of the Application and the hearing.

On May 23, 2000, ADOT filed certification that notice had been provided pursuant to the terms of the Procedural Order.

On May 25, 2000, a full public hearing was held before a duly authorized Hearing Officer of the Commission at its offices in Phoenix, Arizona. At the conclusion of the hearing, the matter was taken under advisement pending submission of a recommended Opinion and Order to the Commission.

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Having considered the entire record herein and being fully advised in the premises, the Commission finds, concludes, and orders that:

#### FINDINGS OF FACT

1. On April 27, 2000, ADOT filed an Application in which it requested an Opinion and Order from the Commission with respect to an agreement between ADOT and the Railroad for the upgrade of a crossing to replace the crossing surface and to install cantilevered automatic flashing light signals at Arizona Farms Road, near Magma, Pinal County, Arizona, at milepost RE-951.05.

2. On May 16, 2000, ADOT provided notice by registered U.S. mail of the Application and hearing thereon.

3. A hearing was held as scheduled on May 25, 2000.

4. The Application provides for the Railroad to replace the existing crossing surface and to replace the existing crossbucks with automatic gates with flashing light signals.

5. Staff testified that the cost apportionment for the installation of the crossing upgrade as provided in the Application was proper.

6. Staff has recommended that the Application be approved.

#### CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties and over the subject matter of the Application pursuant to Article XV of the Arizona Constitution and A.R.S. §§ 40-336, 40-337 and 40-337.01.

2. Notice of the Application was provided in accordance with the law.

3. Installation of the crossing upgrade is necessary for the public's convenience and safety.

4. The Application should be approved as recommended by Staff.

5. After installation of the crossing, the Railroad should maintain the crossing in accordance with A.A.C. R14-5-104.

#### ORDER

IT IS THEREFORE ORDERED that the Arizona Department of Transportation's Application

is hereby approved.

IT IS FURTHER ORDERED that the Copper Basin Railway, Inc. shall complete the crossing upgrade as described in the Application within fifteen months from the effective date of this Decision.

IT IS FURTHER ORDERED that the Copper Basin Railway, Inc. shall notify the Commission, in writing, within ten days of both the commencement and the completion of the crossing upgrade, pursuant to A.A.C. R14-5-104.

IT IS FURTHER ORDERED that upon completion of the crossing upgrade, the Copper Basin Railway, Inc. shall maintain the crossing in compliance with the A.A.C. R14-5-104.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

 CHAIRMAN  
 COMMISSIONER  
 COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this 30<sup>th</sup> day of June, 2000.

  
 BRIAN C. McNEIL  
 EXECUTIVE SECRETARY

DISSENT \_\_\_\_\_  
 MES:bbs

1 SERVICE LIST FOR:

COPPER BASIN RAILWAY, INC.

2 DOCKET NO.

RR-02636A-00-0278

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